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ATTORNEYS FOR PLAINTIFF
TOSHIBA AMERICA INFORMATION SYSTEMS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SONY COMPUTER ENTERTAINMENT
AMERICA, INC., SONY ELECTRONICS
INC., TOSHIBA AMERICA
INFORMATION SYSTEMS, INC.,
HEWLETT-PACKARD COMPANY, and
LENOVO (UNITED STATES) INC.,

Plaintiffs,

v.

WI-LAN INC.,
Defendant.

Case No. 5:08-CV-5742 JW

Related To:

Case No. 5:08-CV-5543 JW
Case No. 5:08-CV-5544 JW
Case No. 5:08-CV-5624 JW
Case No. 5:08-CV-4555 JW

**NOTICE OF VOLUNTARY
DISMISSAL WITHOUT PREJUDICE
OF TOSHIBA'S COMPLAINT FOR
DECLARATORY JUDGMENT**

The Honorable James Ware

1 Plaintiff Toshiba America Information Systems, Inc. ("TAIS"), by and through its
2 undersigned counsel, hereby gives notice pursuant to Fed. R. Civ. P. 41(a)(1) as follows:

3 WHEREAS, on December 23, 2008, TAIS filed a Complaint for Declaratory
4 Judgment, alleging, among other things, non-infringement, invalidity and
5 unenforceability of U.S. Patent No. 6,549,759 ("the '759 patent");

6 WHEREAS, Defendant, Wi-Lan Inc. has not answered or moved for summary
7 judgment; and

8 WHEREAS, TAIS is willing to voluntarily dismiss without prejudice its
9 Complaint for Declaratory Judgment as to the '759 patent;

10 TAIS HEREBY GIVES NOTICE of its voluntary dismissal without prejudice of
11 its Complaint for Declaratory Judgment seeking a declaration of non-infringement,
12 invalidity and unenforceability of the '759 patent.

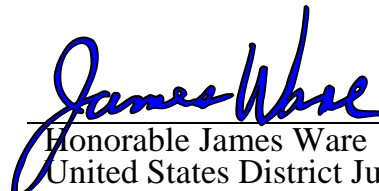
13
14 Dated: August 10, 2009

By: /s/
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18 Attorney for Plaintiff Toshiba American
19 Information Systems, Inc.

20
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22 PURSUANT TO NOTICE, IT IS SO ORDERED.

23
24
25 Dated: August 14, 2009


Honorable James Ware
United States District Judge

CERTIFICATE OF SERVICE

I am employed in the **County of Santa Clara, State of California**. I am over the age of 18 and not a party to this action; my current business address is **975 Page Mill Road, Palo Alto, CA 94304-1013**.

On **August 10, 2009**, I served the foregoing document(s) described as: **NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE OF TOSHIBA'S COMPLAINT FOR DECLARATORY JUDGMENT** on the interested parties in this action as follows:

X BY ELECTRONIC SERVICE accomplished through the Notice of Electronic Filing for parties and counsel who are registered ECF Users.

All other interested parties in this action were served as follows:

X BY THE FOLLOWING MEANS:
I placed an original enclosed in sealed envelope(s) addressed as follows:

Eric J. Klein
Akin Gump LLP
1700 Pacific Avenue
Suite 4100
Dallas, TX 75201

Ira R. Hatton
Akin Gump LLP
1111 Louisiana Street
44th Floor
Houston, TX 77002

X BY MAIL


X I placed the envelope(s) with postage thereon fully prepaid in the United States mail, at **Palo Alto, California**.

X I am readily familiar with the firm's practice of collection and processing correspondence for mailing with the United States Postal Service; the firm deposits the collected correspondence with the United States Postal Service that same day, in the ordinary course of business, with postage thereon fully prepaid, at **Palo Alto, California**. I placed the envelope(s) for collection and mailing on the above date following ordinary business practices.

X Executed on **August 10, 2009**, at **Palo Alto, California**.

X I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

X I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.


Carin Phillips